

ENTERED

March 08, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION****COREY BRELAND, individually and on §
behalf of K.L.B., minor child (deceased); §
and KRYSTAL BRELAND, individually §
and on behalf of K.L.B, minor child §
(deceased), §****Plaintiffs, §****v. §****SAM'S EAST, INC.; and LISSI DOLLS §
AND TOYS HONG KONG LIMITED, §****Defendants. §****Civil Action No. 2:21-CV-00108****ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the January 13, 2023 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 64). Magistrate Judge Neurock made findings and conclusions, and recommended that Defendant Sam's East Inc.'s Motion for Summary Judgment, (Dkt. No. 49), be granted and that Plaintiffs' claims against Sam's East be dismissed. (Dkt. No. 64 at 1). Magistrate Judge Neurock further recommended that Sam's East's other pending motions, (Dkt. No. 50); (Dkt. No. 51); (Dkt. No. 58), be denied as moot. (Dkt. No. 64 at 1).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On January 27, 2023, Plaintiff filed numerous objections. (Dkt. No. 65). On February 10, 2023, Sam's East filed responses to Plaintiffs' objections. (Dkt. No. 66).

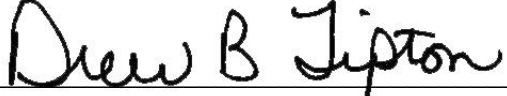
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Mitchel Neurock’s M&R, (Dkt. 64), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant Sam’s East’s Motion for Summary Judgment, (Dkt. 49), is **GRANTED**; and
- (3) Defendant Sam’s East’s remaining motions, (Dkt. No. 50); (Dkt. No. 51); (Dkt. No. 58), are **DENIED** as moot.

It is SO ORDERED.

Signed on March 8, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE